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The ICE Detention of a Columbia Student Is Just the Beginning



MAHMOUD KHALIL, SECOND FROM LEFT, AT A PROTEST AT COLUMBIA UNIVERSITY ON OCTOBER 12, 2023. (YUKI IWAMURA VIA AP PHOTO)

A White House official says that Mahmoud Khalil posed a ‘threat to the foreign policy and national security interests of the United States.’ And that his case is a blueprint for more arrests.

**By Gabe Kaminsky,
Madeleine Rowley, and
Maya Sulkin**

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On Saturday evening, federal immigration authorities arrested an anti-Israel activist who helped lead protests against the Jewish state on Columbia University’s campus after Hamas’s October 7, 2023 attack. As [progressive activists](#) and free speech advocates protested the move to revoke Mahmoud Khalil’s green card over civil liberties concerns Monday, President Donald Trump warned that Khalil’s arrest [would be the first](#) “of many to come.”

Indeed, a White House official told *The Free Press* that the basis for targeting Khalil is being used as a blueprint for investigations against other students.

Khalil is a “threat to the foreign policy and national security interests of the United States,” said the official, noting that this calculation was the driving force behind the arrest. “The allegation here is not that he was breaking the law,” said the official.

“He was mobilizing support for Hamas and spreading antisemitism in a way that is contrary to the foreign policy of the U.S.,” said the official, noting the Trump administration reviewed intelligence that found Khalil was a national security risk.

The official suggested more arrests at other schools were coming. “I suspect we’ll have other schools roped into this,” said the official.

Perhaps. But first, the Trump administration needs to contend with a federal judge in the Southern District of New York who, on Monday afternoon, [blocked the deportation](#) of Khalil, who is being held at an ICE detention facility in Louisiana. He is expected to appear in court Wednesday morning. The deportation of a lawful permanent resident such as Khalil [generally requires](#) the approval of an immigration judge.

Khalil’s case has thrown into dramatic relief debates over the limits of protected speech and what constitutes a legitimate response to the explosion of antisemitism on campuses across America since October 2023.

Born in Syria, Khalil is a permanent U.S. resident and has been in the country since 2023. Until December, he was a graduate student at Columbia, where he “led activities aligned to Hamas, a designated terrorist organization,” [according to](#) the Department of Homeland Security. His arrest comes as the Trump administration, per an [executive order](#) from the president in his first days in office, works to punish those who allegedly engaged in “antisemitic harassment and violence” following Hamas’s attack.

The move to revoke Khalil’s green card—and the basis for the decision—has prompted sharp criticism from pro-free speech groups across the political spectrum, all of whom warn that a crackdown on student protesters threatens their First Amendment rights.

“We’ve got an administration that is taking action against antisemitism and has not always drawn a clean line between protected political speech that may well be antisemitic, and unlawful discriminatory harassment,” Will Creeley, the legal director of the Foundation for Individual Rights and Expression, told *The Free Press*. FIRE [sent a letter](#) to the administration Monday demanding answers on Khalil’s arrest. The letter, addressed to Secretary of State Marco Rubio, Department of Homeland Security Secretary Kristi Noem, Attorney General Pam Bondi, and other agency heads, requested “the specific legal and factual basis for Mr. Khalil’s detention.”

Creeley added, “The lack of clarity results in a chill on protected political expression. We’ve got concerns here.”

“It’s disturbing,” David Keating, president of the right-leaning Institute for Free Speech, told *The Free Press*.

Lanae Erickson, senior vice president for social policy, education, and politics for the left-leaning think tank Third Way, said it’s important to keep in mind that lawful permanent residents—like Khalil—have rights that are protected by the U.S. Constitution. “What they’re trying to do is make people afraid,” argued Erickson.

But students who have faced antisemitic hostility on campus since October 7, 2023, see things differently. Shoshana Aufzien, a Barnard freshman, says Khalil’s deportation is completely reasonable. Aufzien, who is Jewish, says she hasn’t been able to attend many of her classes “because protesters physically impeded us from doing so or because professors have jumped on the bandwagon.”

“I don’t think anybody who is fomenting pro-terror, antisemitic, anti-American rhetoric, who isn’t a US citizen, has any inherent right to be here,” said Aufzien.

In a statement on Monday, [Trump reiterated](#) that “pro-terrorist, anti-Semitic, anti-American activity” will not be tolerated, noting that many protesters on campuses are “paid agitators.” (The Department of Homeland Security and the White House declined to comment on further actions at any other schools or how many arrests may be made in the coming weeks.)

This weekend, Secretary of State [Marco Rubio posted](#) that the State Department would be revoking the student visas and green cards of Hamas supporters. But exactly how this policy will be carried out remains unclear. [Axios reported](#) that the government will use AI for its new “Catch and Revoke” program to scan the social media accounts of students who are studying in the U.S. on visas to help identify those who support Hamas and other terrorist organizations.

Mark Goldfeder, head of the National Jewish Advocacy Center and a constitutional law expert, told *The Free Press* that there are several strong legal arguments for the revoking of visas.

For starters, [Turner v. Williams](#), a Supreme Court case from 1904, set the precedent that aliens can be deported if they are engaging in specific dangerous activities or if they have certain dangerous views that those “who hold and advocate them would be undesirable additions to our population.”

“The Supreme Court has been clear that the First Amendment might apply with some conditions to foreigners, and there [are] over 120 years of Supreme Court precedent saying that this is literally one of those conditions,” Goldfeder said.

Under the [Immigration and Nationality Act](#), passed in 1952, a visa holder who “endorses or espouses terrorist activity or persuades others to endorse or espouse terrorist activity or support[s] a terrorist organization” can be deported. This statute, Goldfeder says, could survive what’s called “[strict scrutiny](#)” under the First Amendment.

“The statute would have to protect a compelling governmental interest and be narrowly tailored to protect that interest,” said Goldfeder. “Because free speech is so incredibly important, in order to survive strict scrutiny, there would have to be an additional constitutional imperative weighing on the other side. What would that be? National security.”

The arrest of the anti-Israel activist comes as Columbia is [being investigated](#) by the Department of Education for antisemitism. Last week, as *The Free Press* [first reported](#), agencies cut off \$400 million in federal funding to the university, claiming it has failed to take steps to confront antisemitism. The Trump administration has not said which programs are affected, and Columbia has vowed to “work with the federal government to restore Columbia’s federal funding.”

“We take Columbia’s legal obligations seriously and understand how serious this announcement is and are committed to combating antisemitism and ensuring the safety and well-being of our students, faculty, and staff,” said a spokesperson for the university—which saw [several students face arrest](#) last week for storming a building at Barnard College in protest against Israel.



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